

1 ARTHUR M. EIDELHOCH, Bar No. 168096
 2 aeidelhoch@littler.com
 3 GALEN M. LICHTENSTEIN, Bar No. 251274
 glichtenstein@littler.com
 4 LITTNER MENDELSON, P.C.
 5 650 California Street
 6 20th Floor
 7 San Francisco, California 94108.2693
 8 Telephone: 415.433.1940
 9 Facsimile: 415.399.8490

10 JACQUELINE E. KALK (*Pro Hac Vice*)
 11 jkalk@littler.com
 12 LITTNER MENDELSON, P.C.
 13 80 South 8th Street, Suite 1300
 14 Minneapolis, MN 55402-2136
 15 Telephone: 612.313.7645
 16 Facsimile: 612.677.3139

17 Attorneys for Defendants
 18 CROWDFLOWER, INC., LUKAS BIEWALD
 19 AND CHRIS VAN PELT

20 William T. Payne (SBN 90988)
 21 Ellen M. Doyle (*Pro Hac Vice*)
 22 Edward J. Feinstein (*Pro Hac Vice*)
 23 STEMBER FEINSTEIN DOYLE
 24 PAYNE & KRAVEC, LLC
 25 429 Forbes Avenue, 17th Floor
 Pittsburgh, PA 15219
 26 412-281-8400 (T), 412-281-1007 (F)
wpayne@stemberfeinstein.com
edoyle@stemberfeinstein.com
efeinstein@stemberfeinstein.com

27 Mark A. Potashnick (*Pro Hac Vice*)
 28 WEINHAUS & POTASHNICK
 11500 Olive Blvd., Suite 133
 St. Louis, MO 63141
 314-997-9150 (T), 314-997-9170 (F)
markp@wp-attorney.com

31 Ira Spiro (SBN 67641)
 32 Jennifer Connor (SBN 241480)
 33 Spiro Moore, LLP
 34 11377 W. Olympic Blvd., 5th Floor
 Los Angeles, CA 89064
 35 310-235-2468 (T), 310-235-2456 (F)
ira@spiromoore.com
Jennifer@spiromoore.com

36 Attorneys for Plaintiff
 37 CHRISTOPHER OTEY

38
UNITED STATES DISTRICT COURT
 39
NORTHERN DISTRICT OF CALIFORNIA
 40
SAN FRANCISCO DIVISION

41
 42 CHRISTOPHER OTEY, on behalf of
 43 himself and all others similarly situated,

44 Plaintiff,

45 v.

46 CROWDFLOWER, INC., LUKAS
 47 BIEWALD and CHRIS VAN PELT,

48 Defendants.

49 Case No. 3:12-cv-05524-CRB

50 **STIPULATION AND ORDER RE:**
HEARING AND BRIEFING DATES FOR
PENDING MOTIONS

51 Civil Local Rule 6-2

1 Pursuant to Civil Local Rule 6-2, the undersigned, counsel of record for Plaintiff Christopher
 2 Otey (“Plaintiff”) and Defendants CrowdFlower, Inc., Lukas Biewald, and Chris Van Pelt
 3 (collectively “Defendants”), do hereby agree and stipulate as follows:
 4

- 5 1. That the hearing on Defendants’ Motion to Bifurcate Discovery and to Stay Merits/Class
 6 Certification Discovery and Motions, currently scheduled for February 22, 2013 at 10:00
 7 a.m., be continued to March 29, 2013 at 10:00 a.m.
- 8 2. That Plaintiff be provided a one-week extension, until February 7, 2013, to file an Opposition
 9 to Defendants’ Motion to Bifurcate.
- 10 3. That Defendants’ deadline to file a Reply in support of their Motion to Bifurcate be extended
 11 until February 14, 2013.
- 12 4. Should the Court grant Defendant’ Motion to Bifurcate, the pending Motion for Conditional
 13 Collective Action Certification and Dissemination of Notice Pursuant to 29 U.S.C. § 216(b)
 14 will be taken off the calendar pending a ruling on the employer status issue. Should the
 15 Court instead decide to allow Defendants 90 days to conduct discovery prior to responding to
 16 the Motion for Conditional Collective Action Certification and Dissemination of Notice
 17 Pursuant to 29 U.S.C. § 216(b), Defendant’s response will be set for May 31, 2013 and a
 18 hearing scheduled for June 29, 2013. Finally, should the Court deny Defendants’ Motion to
 19 Bifurcate and the alternative relief requested, Defendants’ response to the pending Motion
 20 for Conditional Collective Action Certification and Dissemination of Notice Pursuant to 29
 21 U.S.C. § 216(b) be set for 21 days following such ruling.
- 22 5. That the Fair Labor Standards Act statute of limitations be tolled as to the putative collective
 23 action class members (namely: “all persons who, at any time in the last three years performed
 24 “crowdsourced” work in the United States, its territories, and all other places where the
 25 FLSA applies in response to any online request by CrowdFlower for “crowdsourced” work,
 26 or any online notification by CrowdFlower that “crowdsourced” work was available”)
 27 until three weeks after the Court issues a ruling on Defendants’ Motion to Bifurcate.

1 **IT IS SO STIPULATED**

2 Dated: January 30, 2013

3 LITTLER MENDELSON, P.C.

4 /s/ Jacqueline E. Kalk

5 JACQUELINE E. KALK

6 ARTHUR M. EIDELHOCH

7 GALEN M. LICHTENSTEIN

8 LITTLER MENDELSON, P.C.

9 Attorneys for Defendants

10 CROWDFLOWER, INC., LUKAS BIEWALD

11 AND CHRIS VAN PELT

12 Dated: January , 2013

13 WEINHAUS & POTASHNICK

14 /s/ Mark A. Potashnick

15 MARK A. POTASHNICK

16 Attorneys for Plaintiff

17 CHRISTOPHER OTEY

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

19 Dated: February 1, 2013

20 Firmwide:117884808.1 073860.1001

